

REMARKS

Claims 4-11 and 13-14 have been amended to provide for proper antecedent basis, to clarify what is being claimed and to correct informalities. Claims 1-15 are presently pending.

The Examiner's indication that dependent claims 10, 13 and 14 include allowable subject matter is acknowledged.

EXAMINER'S ACTION

The 35 U.S.C. § 102 Rejections

Claims 1-9, 11-12 and 15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,463,347 ("Seko *et al.*"). Independent claim 1, claims 2-9 and 11-12 depending directly or indirectly from claim 1, and independent claim 15 clearly are patentable over Seko *et al.*

Claim 1 is directed to a method for detecting the attention level of a vehicle operator by monitoring the steering performance of the vehicle operator. According to claim 1, the method requires evaluating "a phase relationship between a change of a steering angle (β) of at least one steerable wheel (22) of the vehicle and a change of the steering wheel angle (α)" (emphasis added). Referring, for example, to page 6, last paragraph, and FIG. 1 of the application, the steerable wheel 22 contacts the road surface and is not the same as the steering wheel, which is within the interior of the vehicle.

Although Seko *et al.* concerns detecting the attention level of a vehicle operator, Seko *et al.* performs such detection by monitoring changes in the angle of the steering wheel of the vehicle. (See Seko *et al.* at Col. 1, ln. 22-24; Col. 3, ln. 34-35). Nowhere does Seko *et al.* disclose or suggest evaluating a phase relationship between a change

of a steering angle of a steerable wheel of a vehicle and a change of the steering wheel angle, as required by claim 1.

Accordingly, claim 1 is patentable over Seko *et al.*

In addition, independent claim 15, which claims a device for detecting the attention level of a vehicle operator having limitations corresponding to those of claim 1 discussed above, is patentable over Seko *et al.* for the same reasons as set forth above with respect to claim 1.

Further, claims 2-9 and 11-12, which depend directly or indirectly from claim 1, are also patentable over Seko *et al.* for the same reasons as set forth above with respect to claim 1 and because of the further restrictions they add.


Withdrawal of the Section 102 rejections is, therefore, respectfully requested.

CONCLUSION

For the foregoing reasons, it is believed that all of the claims, as presently presented, are patentable.

The Examiner is invited to telephone the undersigned if it is believed that further amendment and/or discussion would help to advance the prosecution of the present application. Reconsideration and allowance of claims 1-15 are, therefore, respectfully requested.

Respectfully submitted,



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